

PATENT  
Attorney Docket No. 03804.1129-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: )  
U.S. Patent No. 5,837,531 )  
Issued: November 17, 1998 )  
Inventors: Jean-Francois DEDIEU et al. ) Group Art Unit: Unassigned  
Reissue Serial No.: Unassigned ) Examiner: Unassigned  
Filing Date of Reissue Appln.: August 31, 2000 )  
For: RECOMBINANT ADENOVIRUSES FOR )  
GENE THERAPY IN CANCERS )

**ATTN.: BOX REISSUE**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**REISSUE DECLARATION UNDER 37 C.F.R. § 1.175**

We, Jean-Francois DEDIEU, Aude LE ROUX, and Michel PERRICAUDET, all citizens of France, with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 5,837,531, granted on November 17, 1998, and for which a reissue patent is sought on the invention entitled, "RECOMBINANT ENDOVIRUSES FOR GENE THERAPY IN CANCERS."

**DECLARATION**  
**Reissue Application of Patent No. 5,837,531**  
**Attorney Docket No. 03804.1129-00000**

2. We hereby claim the benefit under 35 U.S.C. § 119(a) of the foreign application FR93/13766 filed in France on November 18, 1993. A certified copy of FR93/13766 is of record in the file of U.S. Application Serial No. 08/646,246, which gave rise to United States Patent No. 5,837,531.

3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed herewith.

4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. We believe that U.S. Patent No. 5,837,531 is at least partially inoperative or invalid by reason of defective claim language.

6. An error which is a statutory basis for reissue is the lack of direct antecedent basis for the term "the EBNA 1 antigen" in claim 2. The lack of direct antecedent basis for the term "the EBNA 1 antigen in claim 2 may render the claim vague and indefinite under 35 U.S.C. § 112, second paragraph.

7. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

D

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8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor <b>Jean-Francois DEDIEU</b>	Inventor's Signature	Date
Residence <b>2, Sentier des Jardins, 94240 L'Hay Les Roses, FRANCE</b>	Citizenship <b>FRENCH</b>	
Post Office Address Same as above		
Full Name of Second Inventor <b>Aude LE ROUX</b>	Inventor's Signature <i>Le Roux Aude</i>	Date <b>07/05/00</b>
Residence <b>13 Allée Chenard et Walcker, 94320 Thiais, FRANCE</b>	Citizenship <b>FRENCH</b>	
Post Office Address Same as above		
Full Name of Third Inventor <b>Michel PERRICAUDET</b>	Inventor's Signature	Date
Residence <b>31, rue de Chartres, 28320 Ecrosnes, FRANCE</b>	Citizenship <b>FRENCH</b>	
Post Office Address Same as above		
Full Name of Fourth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

LAW OFFICES

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FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000

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Full Name of First Inventor Jean-Francois DEDIEU	Inventor's Signature <i>Jean Francois Dedieu</i>	Date 07/07/00
Residence 2, Sentier des Jardins, 94240 L'Hay Les Roses, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Second Inventor Aude LE ROUX	Inventor's Signature	Date
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Post Office Address Same as above		
Full Name of Third Inventor Michel PERRICAUDET	Inventor's Signature	Date
Residence 31, rue de Chartres, 28320 Ecrosnes, FRANCE	Citizenship FRENCH	
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Post Office Address Same as above		
Full Name of Third Inventor <b>Michel PERRICAUDET</b>	Inventor's Signature <i>Michel PERRICAUDET</i>	Date <i>July 4<sup>th</sup> 2000</i>
Residence <b>31, rue de Chartres, 28320 Ecrosnes, FRANCE</b>	Citizenship <b>FRENCH</b>	
Post Office Address Same as above		
Full Name of Fourth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

PAGE: 1

PATENT NUMBER: 5837531 ISSUE DATE: 11/17/98  
SERIAL NUMBER: 08/646246 FILING DATE: 05/13/96  
TITLE: RECOMBINANT ADENOVIRUSES FOR GENE THERAPY IN CANCERS  
APPLICANT: DEDIEU, JEAN-FRANCOIS ; LE ROUX, AUBE  
FERRICAUDET, MICHEL

REEL: 007974 FRAME: 0407 DATE RECORDED: 05/13/96 NUMBER OF PAGES: 003  
ASSIGNOR: DEDIEU, JEAN-FRANCOIS

EXC DATE: 04/25/96

LE ROUX, AUBE

EXC DATE: 04/25/96

FERRICAUDET, MICHEL

EXC DATE: 04/25/96

ASSIGNEE: RHONE-POULENC RORER, S.A.

20 AVENUE RAYMOND ARON

92165 ANTONY CEDEX, FRANCE

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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167-4476-712345

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FORM PTO-1595  
1-31-92  
RECORDATION  
Docket No. EX93019-US



100210129

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

DIDIEU, Jean-Francois  
LE ROUX, Aude  
PERRICAUDET, Michel

2. Name and address of receiving party(ies):

Rhône-Poulenc Rorer S.A.  
20 Avenue Raymond Aron  
92165 Antony Cedex  
FRANCE

Additional name(s) of conveying party(ies) attached? [ ] Yes [ X ] No

3. Nature of Conveyance:

[X] Assignment [ ] Merger  
[ ] Security Agreement [ ] Change of Name  
[ ] Other

Execution Date (of Assignment): April 25, 1996

Additional name(s) & address(es) attached? [ ] Yes [ X ] No

4. Application number(s) or patent numbers:

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

U.S. National Stage of PCT/FR94/01284

Additional numbers attached?

B. Patent No(s)

[ ] Yes [ X ] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Julie K. Smith  
Internal Address: Rhône-Poulenc Rorer Inc  
Legal-Patents, #3C43

6. Total number of applications and patents involved: [ 1 ]

Street Address: P.O. Box 5093

City: Collegeville State: PA ZIP 19426-0997

7. Total fee (37 CFR 3.41): \$ 40.00

70029 U.S. PTO

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Julie K. Smith  
Name of Person Signing

Signature

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13 May 1996

Date

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PATENT  
REF ID: 7974 FRAME: 0407

## ASSIGNMENT AND AGREEMENT

For value received and intending to be legally bound, we, the undersigned joint inventors (Assignors), sell, assign and transfer to RHÔNE-POULENC RORER S.A. (Assignee), having a principal place of business at 20 Avenue Raymond Aron, 92165 Antony Cedex, FRANCE, and its successors, assigns and legal representatives, the entire right, title and interest in and to our invention relating to

### RECOMBINANT ADENOVIRUSES FOR GENE THERAPY IN CANCERS

as disclosed and claimed in and to the application for United States Letters Patent therefor, assigned Attorney Docket No. EX93019 US filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_ as the U.S. national stage of PCT Serial No. FR94/01284 filed in the French Receiving Office on 7 November 1994, and under any and all Letters Patent which may be granted therefor, and all right, title and interest in and to every patent application filed or to be filed on said invention in the United States, including renewals, revivals, continuations, divisions and any substitute applications of said United States application, and any and all patents which may issue thereon, and any reissues and extensions of the same.

We authorize and request competent authorities to grant and issue any and all patents on said invention to said assignee or its successors, assigns and legal representatives, or to such nominees as said assignee may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said invention in any and all countries and for vesting title thereto in said assignee, its successors, assigns, legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at Villejuif, FRANCE on this 25<sup>th</sup> day of April, 1996.

Signature: Jean-François Dedieu

Inventor's Name: Jean-François DEDIEU  
Residential Address: 84, quai de Jemmapes  
75010 Paris  
FRANCE

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PATENT  
REEL 7974 FRAME 0408

Signed at Villy Sur Seine, France on this 25<sup>th</sup> day of  
April, 1996.  
(City, State and Nation)

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Residential Address: 4, Allée d'Alsace  
94550 Chevilly La Rue  
FRANCE

Signed at Villepinte, FRANCE on this 25<sup>th</sup> day of  
April, 1996.  
(City, State and Nation)

Signature: Michel PERRICAUDET

Inventor's Name: Michel PERRICAUDET  
Residential Address: 31, rue de Chartres  
28320 Ecrosnes  
FRANCE

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